

DETAILED ACTION

EXAMINER'S AMENDMENT

An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on August 27, 2008, Mr. Gerald T. Bodner (Reg. No. 30,449) requested an extension of time for 1 MONTH(S) and authorized the Director to charge Deposit Account No. 502335 the required fee of \$120.00 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

IN THE AMENDED SPECIFICATION FILED ON 1/28/2008:

On page 4 of the amendments to the specification filed on 1/28/2008:

- Please replace line 9 currently reciting "and at most equal to (i.e., less than or equal to), or less than, "100", the process proceeds from" with the recitation -- and less than "100", the process proceeds from --.
- Please replace in lines 11-12 the recitation "In addition, if the recordable number of frames is at most equal to (i.e., less than or equal to), or less than, "50", the

process proceeds” with the recitation -- In addition, if the recordable number of frames is less than "50", the process proceeds --.

On page 5 of the amendments to the specification filed on 1/28/2008:

- Please replace in lines 2-3 the recitation “and at most equal to (i.e., less than or equal to), or less than, 100, the recording medium 38” with the recitation -- and less than 100, the recording medium 38 --.
- Please replace line 6 currently reciting “takable number of frames is at most equal to (i.e., less than or equal to), or less than, 50, a format” with the recitation -- takable number of frames is less than 50, a format --.
- Please replace in lines 16-17 the recitation “32Mbytes and at most equal to (i.e., less than or equal to), or less than, 64 Mbytes, the process proceeds” with the recitation -- 32Mbytes and less than 64 Mbytes, the process proceeds --.
- Please replace in lines 19-20 the recitation “recording capacity is at most equal to (i.e., less than or equal to), or less than, 32Mbytes, the process proceeds” with the recitation --recording capacity is less than 32Mbytes, the process proceeds--.

IN THE AMENDED CLAIMS FILED ON 1/28/2008:

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- In claim 1, please replace in line 8 the recitation “when the capacity detected by said detector is one of less than and at most equal to the first” with the recitation -- when the capacity detected by said detector is less than the first --.
- In claim 6, please replace in line 9 the recitation “said step (a) is one of less than and at most equal to the first recording medium” with the recitation -- said step (a) is less than the first recording medium --.
- In claim 11, please replace in line 3 the recitation “one of less than and at most equal to the first recording medium” with the recitation -- less than the first recording medium --.
- In claim 11, please replace in line 6 the recitation “one of less than and at most equal to the second recording medium” with the recitation -- less than the second recording medium --.
- In claim 15, please replace in line 4 the recitation “said step (a) is one of less than and at most equal to the first recording medium” with the recitation -- said step (a) is less than the first recording medium --.

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- In claim 15, please replace in line 8 the recitation “said step (a) is one of less than and at most equal to the second recording medium” with the recitation -- said step (a) is less than the second recording medium --.
- In claim 18, please replace in line 11 the recitation “said step (b) is one of less than and at most equal to the first threshold” with the recitation -- said step (b) is less than the first threshold --.
- In claim 18, please replace in line 15 the recitation “said step (b) is one of less than and at most equal to the second threshold” with the recitation -- said step (b) is less than the second threshold --.

Allowable Subject Matter

Claims 1-18 are allowed.

The following is an examiner’s statement of reasons for allowance:

Regarding **claims 1-5 and 7-13**, independent claim 1 discloses an image recording apparatus that records image data on a recording medium in which a recording area is divided into a plurality of unit areas and available unit areas can be dispersedly distributed, comprising: a detector for detecting a capacity of said recording medium; and a setter for setting each of said unit areas to a first unit area size when the capacity detected by said detector is one of at least equal to and greater than a first recording medium capacity size, and for setting each of said unit areas to a second unit

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area size when the capacity detected by said detector is less than the first recording medium capacity size, the first unit area size being greater than the second unit area size, which is neither taught or an obvious variation of the relevant prior art.

Regarding **claims 6 and 14-17**, independent claim 6 discloses an image recording method that records image data on a recording medium in which a recording area is divided into a plurality of unit areas and available unit areas can be dispersedly distributed, comprising the steps of: (a) detecting a capacity of said recording medium; and (b) setting each of said unit areas to a first unit area size when the capacity detected in said step (a) is one of at least equal to and greater than a first recording medium capacity size; and (c) setting each of said unit areas to a second unit area size when the capacity detected in said step (a) is less the first recording medium capacity size, the first unit area size being greater than the second unit area size, which is neither taught or an obvious variation of the relevant prior art.

Claim 18 discloses an image recording method that records image data on a recording medium in which a recording area is divided into a plurality of unit areas and available unit areas can be dispersedly distributed, comprising the steps of: (a) detecting the capacity of said recording medium; (b) calculating a recordable number of frames of said recording medium on the basis of the capacity detected in said step (a); (c) setting each of said unit areas to a first unit area size when the recordable number of frames calculated in said step (b) is one of at least equal to and greater than

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a first threshold number of recordable frames; (d) setting each of said unit areas to a second unit area size when the recordable number of frames calculated in said step (b) is one of less than and at most equal to the first threshold number of recordable frames and is one of at least equal to and greater than a second threshold number of recordable frames; and (e) setting each of said unit areas to a third unit area size when the recordable number of frames calculated in said step (b) is one of less than and at most equal to the second threshold number of recordable frames, the first unit area size being greater than the second unit area size, and the second unit area size being greater than the third unit area size, the first threshold number of recordable frames being greater than the second threshold number of recordable frames, which is neither taught or an obvious variation of the relevant prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WANDA M. NEGRON whose telephone number is (571)270-1129. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Wanda M. Negrón/
Examiner, Art Unit 2622
August 27, 2008

/David L. Ometz/
Supervisory Patent Examiner, Art
Unit 2622